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CENTRAL FAX CENTER****MAR 07 2005****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

IN RE APPLICATION

OF: KOLTER ET AL.

CONFIRMATION No.: 5147

SERIAL No. 09/873,431

GROUP ART UNIT: 1615

FILED: JUNE 05, 2001

EXAMINER: B. M. FUBARA

FOR: A PROCESS FOR PRODUCING SOLID ORAL DOSAGE FORMS WITH  
SUSTAINED RELEASE OF ACTIVE INGREDIENT

I hereby certify that this correspondence is being  
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sioner of Patents and Trademarks, Alexandria, Va  
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Date of Deposit

SABINE BERG

Person Making Deposit

S. Berg

Signature

March 07, 2005

Date of Signature

Honorable Commissioner  
for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**PETITION UNDER 37 C.F.R. §1.182**

Sir:

Applicants hereby respectfully petition to the Honorable Commis-  
sioner to withdraw the terminal disclaimer which was filed by appli-  
cants along with their reply dated August 10, 2004, and which was  
executed by applicants' representative on August 10, 2004.

The terminal disclaimer filed on August 10, 2004, was intended to  
address the provisional rejection of applicants' Claims 1, 4 and 6 to  
25 under the judicially created doctrine of obviousness-type double  
patenting as being unpatentable in light of claims 1 to 22 of U.S.  
Patent No. 6,635,279. The rejection was raised in an Office action  
dated March 10, 2004.

Due to an inadvertent error on the part of applicants' represen-  
tative, the terminal disclaimer erroneously referenced U.S. Patent  
No. 4,837,032 instead of U.S. Patent No. 6,635,279.

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Serial No. 09/873,431

KOLTER et al.

PF 0000051497

Applicants have filed a terminal disclaimer referencing U.S. Patent No. 6,635,279 along with their preliminary submission accompanying the request for continued examination of even date with this petition.

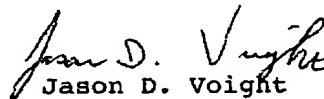
In light of the circumstances summarized above it is respectfully requested that the terminal disclaimer which was erroneously filed on August 10, 2004, be withdrawn. Favorable action is solicited.

FEE UNDER 37 C.F.R. §1.17(h):

The respective \$130.00 fee set forth in 37 C.F.R. §1.17(h) is paid by credit card (Form PTO-2038 enclosed).

Please charge any shortage in fees due in connection with the filing of this paper, including Extension of Time fees, to Deposit Account No. 14.1437. Please credit any excess fees to such deposit account.

Respectfully submitted,  
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JDV/BAS

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